

**REMARKS**

The Final Office Action mailed March 4, 2004 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

No extension of time is believed to be required based upon the filing of this Amendment prior to the deadline of the three-month statutory period (i.e., June 4, 2004). Authorization is granted to charge counsel's Deposit Account No. 01-2300, referencing **Attorney Docket No. 108426-00010**, for any additional fees that may necessary for entry of this Amendment.

As a preliminary matter, Applicants appreciate the indication of allowable subject matter in claims 9 and 10. Further, attention is directed to the Office Action, page 2, line 2, wherein it states that "[c]laims 1-6 and 11-20 are entered". Applicants respectfully request acknowledgement that claims 1-6 and 11-20 were canceled in accordance with Applicants' Amendment dated December 12, 2003.

Independent claims 7-8 have been amended. Applicants submit that the amendments made herein are fully supported in the Specification and the drawings, as originally filed, and therefore no new matter has been introduced. Accordingly, claims 7-10 are pending in the present application and are respectfully submitted for reconsideration.

Independent claim 7 was finally rejected under 35 U.S.C. § 102(b) as being anticipated by the Kakinami et al. patent (U.S. Patent No. 5,230,400). The rejection is respectfully traversed and reconsideration is requested.

Independent claim 7, as amended, recites an auto-cruise apparatus comprising, in pertinent part, a vehicle-to-vehicle distance setting means capable of changing the vehicle-to-vehicle distance from a long distance to a short distance in response to operation by a driver.

Referring to Fig. 8 of the present invention, one example of such vehicle-to-vehicle distance setting means is shown. If the SHORT side is depressed by the driver, the vehicle is controlled to shorten the vehicle-to-vehicle distance. In other words, the SHORT side of the switch is capable of changing the vehicle-to-vehicle distance from a long distance to a short distance. If the SHORT side is depressed by the driver when the vehicle is in the constant vehicle speed control (CC) mode, the vehicle is switched to the vehicle-to-vehicle distance control (ACC) mode.

According to the Kakinami et al. patent, when the switch SW 7 is turned on, the system stores a distance Ls into the distance register 27 (col. 6, ls. 6-9). "Ls" is a distance measured when the switch SW 7 is depressed. An upper limit Lu and a lower limit Ld are calculated based on the distance Ls. The vehicle is controlled so that the vehicle-to-vehicle distance falls between Lu and Ld. Thus, SW 7 of the Kakinami et al. patent merely has a function of setting the vehicle-to-vehicle distance to the distance Ls measured when SW 7 is depressed.

In contrast to the Kakinami et al. patent, vehicle-to-vehicle settings means of independent claim 7 is capable of changing the vehicle-to-vehicle distance from a long distance to a short distance in response to operation by the driver. Such a change of the vehicle-to-vehicle distance is not implemented by SW 7. Thus, the Kakinami et al. patent does not disclose or suggest vehicle-to-vehicle distance setting means of independent claim 7. Accordingly, independent claim 7, as amended, is submitted as being patentable.

Independent claim 8 was finally rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kakinami et al. patent in view of the Nishimura patent (U.S. Patent No. 5,695,020). The rejection is respectfully traversed and reconsideration is requested.

Independent claim 8, as amended, recites an auto-cruise apparatus comprising, in pertinent part, a vehicle-to-vehicle distance setting means capable of changing the vehicle-to-vehicle distance from a short distance to a long distance in response to operation by a driver. Referring to Fig. 8 in the present application, one example of such vehicle-to-vehicle distance setting means is shown. If the LONG side is depressed by the driver, the vehicle is controlled to lengthen the vehicle-to-vehicle distance. In other words, the LONG side of the switch is capable of changing the vehicle-to-vehicle distance from a short distance to a long distance. If the LONG side is depressed by the driver for a predetermined time period or more (one second or more in this example) when the vehicle is in the vehicle-to-vehicle distance control (ACC) mode, the vehicle is switched to the constant vehicle speed control (CC) mode. It is submitted that neither the Kakinami et al. patent nor the Nishimura patent, alone or in alleged combination, discloses or suggests vehicle-to-vehicle distance setting means, as claimed in independent claim 8.

As described above, SW 7 of the Kakinami et al. patent merely has a function of setting the vehicle-to-vehicle distance to the distance  $L_s$  measured when SW 7 is depressed. In contrast to the Kakinami et al. patent, vehicle-to-vehicle settings means of independent claim 8 is capable of changing the vehicle-to-vehicle distance from a short distance to a long distance in response to operation by the driver. Such a change of the vehicle-to-vehicle distance is not implemented by SW 7. Thus, the Kakinami et al. patent does not disclose or suggest vehicle-to-vehicle distance setting means, as claimed.

With respect to the Nishimura patent, the secondary reference, it merely discloses a push-button type SET switch that is arranged to set the target vehicle speed during vehicle-speed based control or the target vehicle-interval distance during vehicle-interval distance based

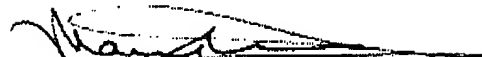
control when pressed for a short period of time and to change the set target vehicle speed or the set target vehicle-interval distance when pressed for a continuous period of time. Such also does not disclose or suggest vehicle-to-vehicle distance setting means capable of changing the vehicle-to-vehicle distance from a short distance to a long distance in response to operation by the driver, as claimed. Accordingly, it is submitted that the Nishimura patent also does not disclose or suggest vehicle-to-vehicle distance setting means, as claimed in independent claim 8. Nor even if these references were combinable, such alleged combination further fails to disclose or suggest the auto-cruise apparatus, as claimed. Independent claim 8 is therefore submitted as being patentable.

It is submitted that entry of this Amendment after final rejection is submitted as proper in that it places the application in condition for allowance. Particularly, the present Amendment is submitted as not raising new issues and not requiring further consideration or searching. Indication of the disposition of this Amendment is requested prior to the expiration of the six-month statutory period (i.e., September 4, 2004). A telephone call by the Examiner to the undersigned counsel with respect to the disposition of this Amendment would be appreciated.

Additionally, if for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicants' undersigned counsel at the telephone number indicated below to arrange for an interview to expedite the disposition of this application.

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Respectfully submitted,



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